

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LLOYD THOMAS RIDER, III,

Defendant.

CR-11-69-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 4, 2019. (Doc. 78.) The Defendant waived the 14 day objection period and the right to allocute before the undersigned at the revocation hearing held October 3, 2019. (Doc. 77.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 3, 2019. (Doc. 77.) The United States accused Mr. Rider (Rider) of violating his conditions of supervised release by 1) committing another crime; 2) by consuming alcohol; 3) by

using methamphetamine; 4) by using a controlled substance; and 5) by knowingly communicating with a person convicted of a felony without first obtaining the permission of his probation officer. (Doc. 70 at 2 and 3.) Rider admitted to the allegation excluding alleged violations 1 and 4. (Doc. 77.) The government satisfied its burden of proof with respect to alleged violation 5. (Doc. 77) Judge Johnston found that Rider's violations warrant revocation, and recommended a sentence of 9 months of custody, with 18 months of supervised release to follow. (Doc. 78 at 4.)

These violations prove serious and warrant revocation of Rider's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 78) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Lloyd Thomas Rider, III be sentenced to a term of custody of 9 months with 18 months of supervised release to follow.

DATED this 7th day of October, 2019.



Brian Morris
United States District Court Judge